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Identical letters dated 1 August 2002 from the Secretary-General addressed to the President of the General Assembly and President of the Security Council

I have the honour to transmit to you the report prepared by the Policy Working Group on the United Nations and Terrorism, a group which I established in October 2001 to identify the implications and broad policy dimensions of terrorism for the United Nations and to formulate recommendations to me.

The Policy Working Group's report aims to prioritize the Organization's activities regarding terrorism, and includes a set of specific recommendations on how the United Nations system might function more coherently and effectively in this very complex field. I am currently considering the Group's recommendations.

I should be grateful if the present letter and report could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kofi A. **Annan**

* A/57/150.

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Annex

Report of the Policy Working Group on the United Nations and Terrorism

Summary

The Policy Working Group considered that the United Nations should concentrate its direct role in counter-terrorism on the areas in which the Organization has a comparative advantage. In general terms, the United Nations should uphold, bolster and reassert the leading principles and purposes of the United Nations Charter, the core of which are undermined and threatened by terrorism. The Organization's activities should be part of a tripartite strategy supporting global efforts to:

(a) **Dissuade** disaffected groups from embracing terrorism;

(b) **Deny** groups or individuals the means to carry out acts of terrorism;

(c) Sustain broad-based international **cooperation** in the struggle against terrorism.

In efforts at **dissuasion**, the Organization has made and ought to continue to make its contribution through norm setting, human rights and communications. The United Nations has a primary role in preparing for the adoption and effective implementation of legal instruments. It should institute a periodic review of the existing treaty regime, and must underscore the linkages between instruments of international criminal law and counter-terrorism conventions.

At the same time, the United Nations must ensure that the protection of human rights is conceived as an essential concern. Terrorism often thrives where human rights are violated, which adds to the need to strengthen action to combat violations of human rights. Terrorism itself should also be understood as an assault on basic rights. In all cases, the fight against terrorism must be respectful of international human rights obligations.

In its public pronouncements, the United Nations should project a clear and principled message, underscoring the unacceptability of terrorism, highlighting the Organization's role in addressing and preventing it, and ensuring that the fight against terrorism does not obscure the core work of the United Nations. These messages must be targeted to key audiences — particularly to achieve a greater impact in dissuading would-be supporters of terrorist acts. The work of the Department of Public Information and the United Nations information centres must be enhanced to this end.

The unique mandate of the Counter-Terrorism Committee places it at the centre of United Nations activities to **deny** opportunities for the commission of acts of terrorism. The United Nations system as a whole must ensure its readiness to support the Committee's efforts to achieve the implementation of measures to counter terrorism. One specific area in which United Nations agencies can provide assistance in this process is through the development of model legislation for Member States' compliance with international instruments and pertinent resolutions.

Given concerns that terrorists may seek access to stockpiles of weapons of mass destruction or related technologies, United Nations activities in the field of disarmament must gain renewed relevance. In addition to reinforcing its work in this arena and to enhancing its capacity to assist the Counter-Terrorism Committee, when needed, the Department of Disarmament Affairs should draw public attention to the threat posed by the potential use of weapons of mass destruction in terrorist acts.

Preventive action, especially measures to strengthen the capacity of States, can help to create inhospitable environments for terrorism. This may be achieved through effective post-conflict peace-building and by ensuring that peacekeeping mandates are sensitive to issues related to terrorism.

In order to render international efforts to counter terrorism effective, **cooperation** between the United Nations and other international actors must be made more systematic, ensuring an appropriate division of labour based on comparative advantage. Specifically, the next high-level meeting between the United Nations and regional organizations in 2003 should establish terrorism as an agenda item, with the goal of developing an international action plan.

Similarly, the United Nations family must ensure a higher degree of internal coordination and coherence. This effort will require periodic reviews by the Executive Committee on Peace and Security of United Nations work on terrorism and even the strengthening of some offices, notably the Office for Drug Control and Crime Prevention of the United Nations Secretariat. The United Nations System Chief Executives Board for Coordination should review system-wide activity in order to ensure that coordination is taking place.

I. Introduction

1. The terrorist attacks on the United States of America on 11 September 2001 caused the international community to focus on the issue of terrorism with renewed intensity. Within the span of a few weeks, the Security Council unanimously passed resolutions 1368 (2001) and 1373 (2001), the General Assembly adopted resolution 56/1 by consensus, and convened a special session. Each of those steps served to underline the depth of shared international commitment to an effective, sustained and multilateral response to the problem of terrorism.

2. The Policy Working Group on the United Nations and Terrorism was established at the behest of the Secretary-General in October 2001, within that context and to those ends. Its purpose has been to identify the longer-term implications and broad policy dimensions of terrorism for the United Nations and to formulate recommendations on the steps that the United Nations system might take to address the issue.

3. The Policy Working Group is chaired by Kieran Prendergast, Under-Secretary-General for Political Affairs, and is comprised of the following members: Hans Corell, Under-Secretary-General for Legal Affairs and The Legal Counsel; Antonio Maria Costa, Executive Director of the Office for Drug Control and Crime Prevention and Director-General of the United Nations Office at Vienna; Nitin Desai, Under-Secretary-General for Economic and Social Affairs; Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs; Michael Doyle, Assistant Secretary-General and Special Adviser to the Secretary-General; Ibrahima Fall, Assistant Secretary-General for Political Affairs; Ibrahim Gambari, Under-Secretary-General and Special Adviser of the Secretary-General for Special Assignments in Africa; Edward Luck, Director, Center on International Organization of the School of International and Public Affairs, Columbia University; David Malone, President, International Peace Academy; Edward Mortimer, Director of Communications, Executive Office of the Secretary-General; Giandomenico Picco, Personal Representative of the Secretary-General for the United Nations Year of Dialogue among Civilizations; Bertrand Ramcharan, Deputy United Nations High Commissioner for Human Rights; Michael Sheehan, Assistant Secretary-General for Peacekeeping Operations; Danilo Türk, Assistant Secretary-General for Political Affairs; and Brian Urquhart, former Under-Secretary-General. Mark Quarterman of the Department of Political Affairs serves as the Secretary of the Group.

4. The Group determined that its report should place the role of the United Nations in the struggle against terrorism in context, prioritize the Organization's activities regarding the issue, and contain a set of specific recommendations on how the United Nations system might function more coherently and effectively in this very complex field.

5. The Policy Working Group established subgroups to address the following specific issues:

(a) International legal instruments and international criminal justice issues;

(b) Human rights;

(c) Activities of the United Nations system;

(d) Weapons of mass destruction, other weapons and technology;

(e) Use of ideology (secular and religious) to justify terrorism;

(f) Counter-Terrorism Committee of the Security Council;

(g) Media and communications;

(h) Non-United Nations multilateral initiatives.

The subgroups were composed of members of the Policy Working Group, United Nations officials and outside experts. The subgroups made every effort to include diverse perspectives on the problem. Each subgroup prepared a detailed report. Their principal purpose was to develop the background information and policy recommendations that form the basis of the present report.

6. The Policy Working Group established relationships with groups both within and outside the United Nations system, including the Terrorism Prevention Branch of the United Nations Office for Drug Control and Crime Prevention, the International Peace Academy and the Center on International Organization at Columbia University. The International Peace Academy drafted two background papers and organized two meetings for the Group, at which academic experts provided background information and conceptual ideas. The Center on International

Organization held four round-table discussions on various topics related to terrorism, which were attended by academic experts, policy analysts, representatives of Member States and United Nations staff. The Center also commissioned eight papers on terrorism that were discussed during the round-table meetings. Expertise of the Office for Drug Control and Crime Prevention was channelled into the Group's deliberations through the participation of its Executive Director as a member, and through the work of the subgroups on international legal instruments and international criminal justice issues and on activities of the United Nations system.

7. In January 2002, the chair of the Group submitted to the Secretary-General a programme for the preparation of the present report. In March 2002, the chair submitted a note to the Secretary-General, setting forth key recommendations for possible implementation pending the completion of the final report. Efforts are under way to implement many of those recommendations.

8. The members of the Group realize that their work will not end with the submission of the present report. If the Secretary-General agrees to some or all of the attached recommendations, it will be necessary to prepare an implementation plan with details on any additional resources or modifications in mandates that are required. The Group is ready to continue its efforts to see this project through to its conclusion.

General considerations

9. It is important to state what the Policy Working Group did not attempt to do. Rather than taking a comprehensive approach, the Group focused specifically on areas in which the United Nations would have a comparative advantage and could make a fresh and tangible contribution to the international anti-terrorism effort. The Group has not attempted to devise a definition of terrorism, identify its diverse roots or address specific instances of terrorist activity. The Group does not believe that the United Nations is well placed to play an active operational role in efforts to suppress terrorist groups, to pre-empt specific terrorist strikes, or to develop dedicated intelligence-gathering capacities. Rather, the Group has focused on practical steps that the United Nations might take in the following areas of activity: (a) dissuading disaffected groups from embracing terrorism; (b) denying groups or individuals the means to carry out such acts; and (c) sustaining broad-based international cooperation in the struggle against terrorism on the basis of respect for human rights and fundamental freedoms.

10. Counter-terrorism activities are carried out through bilateral and multilateral cooperation among national agencies devoted to law enforcement, intelligence and security. By and large, such measures do not require the Organization's involvement. On the other hand, as the responses of a number of Member States to the Counter-Terrorism Committee have indicated, there may well be places where the United Nations system could assist in providing or organizing capacity-building efforts related to law enforcement, criminal justice and the implementation of the provisions of Security Council resolution 1373 (2001).

11. The Group is mindful of the multiple ways in which terrorism challenges the core principles and mandate of the Organization, as derived from the Charter of the United Nations. Terrorism is, and is intended to be, an assault on the principles of law, order, human rights and peaceful settlement of disputes on which the world body was founded. However, despite its relatively wide use as a technique, terrorism is not a single phenomenon, but must be understood in the light of the context from which terrorist activities arise. It is not a problem that primarily springs from any single ethnic or religious group. Rather, terror has been used as a tactic in almost every corner of the world, making no distinctions as to the wealth, gender or age of its victims, who are largely civilians. To be sure, we have seen in our time terrorism being used as a strategy.

12. Most terrorist acts have been carried out by specific groups with limited agendas, using small weapons, and within the boundaries of individual States. Transnational networks of the type that perpetrated the 11 September attacks are a relatively new phenomenon. Nevertheless, the international implications and linkages of the more traditional form of terrorism should not be overlooked. Over time, groups based in one country may take on a transnational character, carrying out attacks across one border, receiving funding from private parties or a government across another, and procuring arms from multiple sources. Terrorism in a single country can readily become a threat to regional peace and security owing to spill-over effects, such as cross-border violence and the creation of refugee populations. It is therefore difficult to draw sharp distinctions between domestic and international terrorism.

13. Without attempting a comprehensive definition of terrorism, it would be useful to delineate some broad characteristics of the phenomenon. Terrorism is, in most cases, essentially a political act. It is meant to inflict dramatic and deadly injury on civilians and to create an atmosphere of fear, generally for a political or ideological (whether secular or religious) purpose. Terrorism is a criminal act, but it is more than mere criminality. To overcome the problem of terrorism it is necessary to understand its political nature as well as its basic criminality and psychology. The United Nations needs to address both sides of this equation.

14. While terrorist acts are usually perpetrated by subnational or transnational groups, terror has also been adopted by rulers at various times as an instrument of control. The rubric of counter-terrorism can be used to justify acts in support of political agendas, such as the consolidation of political power, elimination of political opponents, inhibition of legitimate dissent and/or suppression of resistance to military occupation. Labelling opponents or adversaries as terrorists offers a time-tested technique to de-legitimize and demonize them. The United Nations should beware of offering, or be perceived to be offering, a blanket or automatic endorsement of all measures taken in the name of counter-terrorism.

15. The phenomenon of terrorism is complex. This does not, however, imply that it is impossible to adopt moral clarity regarding attacks on civilians. Terrorism deserves universal condemnation, and the struggle against terrorism requires intellectual and moral clarity and a carefully differentiated implementation plan.

16. Just as terrorists seek to undermine the core principles and purposes of the United Nations, so it is through a determined effort to bolster and reassert these guiding principles and purposes that the world body can best contribute to the struggle against terrorism. The lack of hope for justice provides breeding grounds for terrorism. Where United Nations efforts to reduce lawlessness and despair in the world succeed, terrorism will find no nourishment. The Group therefore suggests that it is in the realm of norms, human rights, justice and communications that the comparative advantages of the United Nations will be most apparent and that it will make the greatest difference. Through its conventions, resolutions, statements and actions, the Organization can help to dissuade disaffected groups from choosing the terrorist path and those who aid, abet or excuse terrorist acts from maintaining those ties or sympathies. The universal character, global reach and international legitimacy of the United Nations constitute important assets upon which it can draw in this effort. The Secretary-General's credibility in so many different quarters may equally be of great use in specific cases.

17. Security Council resolution 1373 (2001) is at the same time a comprehensive and a specific statement of the international community's desire to deny terrorists the tools of their trade — finance, secrecy, arms and shelter — but it certainly was not the first. Through the years, a number of conventions, agencies and programmes — United Nations and non-United Nations — have sought to curb the access of terrorists to the means of carrying out their violent attacks. This is no easy task, and it demands the sustained and specific cooperation of a variety of national, regional and global agencies and arrangements. The Group envisions the United Nations system playing an important role in the effort by building on its substantial work on disarmament and curbing weapons of mass destruction, on implementing the provisions of Council resolution 1373 (2001), and on narrowing the space available to terrorists through post-conflict peace-building and related preventive measures.

18. The Group understands that these two tasks — dissuasion and denial — demand a response that is both multi-layered and coherent, that unfolds within a multilateral framework yet allows each participating organization, State and agency to contribute what it does best. The United Nations has a key place in this effort, but it needs to work out a sensible division of labour with the many other players. Given that this is the first attempt at a United Nations system-wide strategy for dealing with terrorism, careful attention must be paid to the institutional, bureaucratic and financial questions, the answers to which can help to ensure an integrated response to this unprecedented challenge. More fundamentally, the Organization is uniquely situated to provide the political cohesion and principled purpose required to sustain broad-based international cooperation to oppose terrorism.

19. In pursuing this tripartite strategy of dissuasion, denial and cooperation to counter terrorism, the United Nations cannot and must not retreat from the other pressing issues on its wide agenda. In this regard, the Group was mindful of the address by the Secretary-General during the general debate at the fifty-sixth session of the General Assembly, in which he stated

that the problems, such as poverty, HIV/AIDS and environmental degradation, that faced the global community before 11 September 2001 remained just as urgent afterwards. The Group further recognized that many of the Organization's existing programmes could help to reduce the appeal of terrorism and the pool of human, material and financial resources that sustain it. As a result, the Group decided to recommend neither substantial modifications to the Organization's agenda, nor organizational changes within the United Nations system or the diversion of major resources to the struggle against terrorism. The Group, in its review of the activities of the United Nations system, recognized that the Organization's terrorism-related efforts would be more effective if better coordinated, supported by modestly enhanced resources, and shaped by a more sharply defined strategy and priorities.

20. The present report begins by focusing on international legal instruments, human rights and behavioural norm setting — which can be powerful instruments for dissuasion. The second section addresses three key tools for denial: the United Nations efforts at disarmament and curbing weapons of mass destruction; implementation of the provisions of resolution 1373 (2001) and the work of the Counter-Terrorism Committee; and the contributions that United Nations peace-building and conflict-prevention efforts can make to narrowing the space in which terrorists operate. The third section considers ways of sustaining cooperation among the Member States, of working with non-United Nations multilateral initiatives, and of fostering greater coherence within the United Nations system. The report concludes with a concise, prioritized list of recommendations for future United Nations efforts to counter terrorism.

II. Dissuasion

A. International legal instruments

21. The Policy Working Group believes that the setting of international norms through the continuing promotion and adoption of international legal instruments, the protection of human rights and the dissemination of a clear principled message should remain a central priority of United Nations efforts on this issue.

22. International efforts in the past decade have resulted in the adoption of international instruments and other measures at the international and regional levels that create a legal framework to combat international terrorism. These include 19 international and regional instruments (see appendix), as well as resolutions of the General Assembly and the Security Council. The international community, led by the Security Council, has unequivocally determined that international terrorism represents a threat to international peace and security. International action pursued within the framework of the international legal instruments represents the most effective and legitimate response to that threat.

23. The effectiveness of any international legal regime depends on its implementation and support by States. The United Nations system should intensify efforts to raise awareness of the relevant instruments relating to international terrorism and transnational organized crime. The existing international legal instruments relating to terrorism do not create an integrated system, however, and gaps remain. In addition, the pace of their ratification remains too slow.

24. Disarmament is a particularly important area for legal norm setting. Additional mechanisms are needed to ensure compliance with obligations and responsibilities and to enhance transparency.

25. International terrorism and transnational organized crime are often closely interrelated and connected, for example, through the trafficking of drugs and arms, and money-laundering. Therefore, a comprehensive programme to counter international terrorism will be more effective if it is coordinated with the struggle against transnational organized crime. As the United Nations Convention against Transnational Organized Crime[a] enters into force, the United Nations Office at Vienna (where the secretariat of the Convention is located) will have an important role to play in further exploring the links and in promoting such coordination.

B. Human rights

26. The protection and promotion of human rights under the rule of law is essential in the prevention of terrorism. First, terrorism often thrives in environments in which human rights are violated. Terrorists may exploit human rights violations to gain support for their

cause. Second, it must be understood clearly that terrorism itself is a violation of human rights. Terrorist acts that take life violate the right to life set forth in article 6 of the International Covenant on Civil and Political Rights.[b] Third, it must also be understood that international law requires observance of basic human rights standards in the struggle against terrorism. The struggle against international terrorism will be further enhanced if the most serious crimes committed by terrorists are tried before the International Criminal Court and prosecuted under its Statute (provided that the relevant national court cannot or will not prosecute). Since the Statute covers the category of crimes against humanity, which includes murder and extermination committed as part of a widespread or systematic attack on any civilian population, certain terrorist acts might therefore be tried under the Statute.

27. The struggle against terrorism should be carried out in keeping with international human rights obligations. The Secretary-General, the United Nations High Commissioner for Human Rights and other international leaders have highlighted this point. In addressing the Security Council on 18 January 2002, the Secretary-General stated:

> "While we certainly need vigilance to prevent acts of terrorism, and firmness in condemning and punishing them, it will be self-defeating if we sacrifice other key priorities — such as human rights — in the process."

28. The various international instruments on human rights include clear limitations on the actions that States may take within the context of the fight against terrorism. States should be made aware of the responsibilities placed upon them by the various human rights instruments and reminded that key provisions of the International Covenant on Civil and Political Rights cannot be derogated from.

C. Behavioural norm setting

29. The United Nations also has an important role to play in convincing communities that terrorist methods are unacceptable. However, the United Nations Secretariat traditionally communicates with Governments, and has tended to be more effective in reaching the elite than aggrieved communities within Member States. These objectives require both a clear, consistent message and innovative engagement with the media and Member States.

30. Three overarching goals should lead United Nations public communication efforts in this arena: first, to reach those who are not convinced that terrorism is unacceptable, and to persuade them that there is no valid cause for which it can be used; second, to highlight the Organization's role in addressing and preventing it; and third, to prevent the core work of the United Nations from being obscured by the Organization's response to terrorism.

III. Denial

A. Counter-Terrorism Committee

31. The Counter-Terrorism Committee, a committee of the whole of the Security Council established pursuant to resolution 1373 (2001), is unique, both in the breadth of its mandate and in the innovative work. It has been compared to the various sanctions committees created by the Security Council because, like those committees, it monitors the implementation by States of Council resolutions. However, the character and scope of the Committee's mandate and working methods represent an important innovation and open new possibilities for inter-State cooperation.

32. In its unanimous adoption of resolution 1373 (2001) on 28 September 2001, the Security Council for the first time imposed measures not against a State, its leaders, nationals or commodities, but against acts of terrorism throughout the world and the terrorists themselves. It is one of the most expansive resolutions in the history of the Council, with a focus on ensuring that any person who participates in the financing, planning, preparation or perpetration of terrorist acts, or who supports terrorist acts, is brought to justice, and that such acts are established as serious criminal offences in domestic law and regulation with punishments that duly reflect their seriousness. The Council called upon States to submit to the Counter-Terrorism Committee reports on their implementation of the resolution. The Committee has established subcommittees to review those reports, with the assistance of experts in relevant fields, and it conducts each review in partnership with the State that submitted the report. That partnership may lead the Committee, United Nations agencies and/or certain other States to

provide a substantial degree of technical assistance and cooperation to facilitate the implementation of resolution 1373 (2001).

33. The Counter-Terrorism Committee should be at the centre of United Nations activities related to terrorism, with the United Nations system as a whole providing it with the necessary assistance. In order to allow the Committee to make use of the various resources available in the United Nations system and to create a veritable network on terrorism issues, it may become necessary to consider strengthening the support that the Committee receives from the Secretariat.

B. Weapons of mass destruction, other weapons and weapons technology

34. There is no reliable assessment of the quantity and quality of weapons, dual-use and related materials, devices and technologies in the possession of groups and individuals associated with terrorism. It is clear, however, that as long as stockpiles of any kinds of weapons-related materials, devices or technologies exist, terrorists may seek to obtain them.

35. Historical experience indicates that, in most cases, terrorists are more likely to continue to use conventional techniques that are technically undemanding and not dangerous for them to handle. Of course, the latter point does not apply to individuals and groups that are willing to risk or give their lives when carrying out terrorist attacks. In the light of the 11 September attacks on the United States, it has become tragically clear that the calculated use of civilian technologies, such as commercial airplanes as weapons against civilian targets, is a possible terrorist technique. Since 11 September, there is a greater probability of imitation and inventiveness in the planning and execution of terrorist attacks.

36. The Director-General of the International Atomic Energy Agency (IAEA) has stated that he considers the theft of a nuclear weapon and terrorists possessing the means and competence to manufacture and detonate a nuclear explosive relatively unlikely. The deliberate exposure to nuclear material leading to harmful effects on people, property and environment is a more plausible option. A "dirty bomb" scenario, in which radioactive material is dispersed by a conventional explosive, can be included as part of this option. Numerous difficulties remain, however, in defining the nuclear terrorist threat, given the hundreds of confirmed cases of nuclear smuggling (some involving small amounts of weapon-usable materials), as well as significant uncertainties about the status of such materials in States that are known to possess nuclear weapons. While the weaponization and use of large quantities of chemical and biological agents is regarded as unlikely because of the sophisticated scientific and technological requirements for their production, the recent anthrax scare in the aftermath of 11 September has shown that small-scale operations using these agents could cause societal disruption and have economic consequences, in addition to the human cost and psychological effects.

37. Terrorists continue to make extensive use of small arms, light weapons and explosives for a variety of terrorist acts. Small arms and light weapons are relatively inexpensive, extremely durable and easy to carry and conceal. As previously stated, networks and strong operational links among terrorists, drug traffickers and arms brokers make it easier to transfer this category of weapons across borders. Diversions from governmental depots and illicit production are major sources of the illicit trade in these weapons. The Programme of Action[5] adopted in 2001 by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects observed that such trafficking fuels organized crime and terrorism. The Programme of Action urges States and appropriate international or regional organizations to provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,[4] which supplements the United Nations Convention against Transnational Organized Crime, offers an instrument against illicit trafficking which involves organized criminal groups as defined by its parent Convention.

C. Prevention and resolution of armed conflicts

38. Terrorism is often related to armed conflict. While the prevention and resolution of armed conflict should not primarily be conceived of as anti-terrorist activities, they can assist such activities by narrowing the space in which terrorists operate. The United Nations has a long history of working to prevent and

resolve armed conflict. In his report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), submitted in 2001 to the General Assembly and the Security Council, the Secretary-General placed the prevention of armed conflict firmly within the Charter-mandated scope of the Organization's activities. The Secretary-General set forth a plan for enhancing the capacity of the United Nations to assist States in preventing conflict and engaging in peace-building activities in post-conflict societies that involved two types of strategies — operational prevention and structural prevention. Operational prevention refers to immediate measures taken in the context of imminent or actual crisis, and structural prevention comprises longer-term measures to remove the causes of conflict.

39. **Operational prevention** is relevant because any measures that alleviate crises and prevent armed conflicts from developing or expanding could lower the likelihood that terrorist acts related to such conflicts would occur. While there is not necessarily a direct cause and effective relationship between armed conflict and terrorism, containing a crisis, and showing evidence of progress towards resolving the issues underlying it, may lessen support among aggrieved communities for the terrorist groups that purport to represent them.

40. In paragraph 99 of the above-mentioned report, the Secretary-General provided the following definition of developmental assistance aimed at **structural prevention**: "It can ... facilitate the creation of opportunities and the political, economic and social spaces within which indigenous actors can identify, develop and use the resources necessary to build a peaceful, equitable and just society". If such efforts assist societies to resolve conflict peacefully within the rule of law, grievances that might have been expressed through terrorist acts are more likely to be addressed through political, legal and social means. In addition, effective structural prevention measures would strengthen the capacities of States to avoid the type of protracted armed conflict that weakened Afghanistan and enabled the rise within its territory of transnational terrorist networks.

41. The Policy Working Group believes that preventive action, especially measures to strengthen the capacity of States, can help to create inhospitable environments for terrorism. Anti-terrorist concerns should not drive preventive activities. However, in particular conflicts in which terrorism has been prevalent, the United Nations system should, in its development of preventive and peace-building programmes, be mindful of including measures, such as those set forth in the recommendations contained in section V below, that reduce the space for terrorist activities and increase the capability of States to address terrorist threats.

IV. Cooperation

A. Non-United Nations multilateral initiatives

42. Over the past two decades, multilateral institutions and regional organizations have launched a variety of counter-terrorist initiatives which have gained momentum with the growing threat of international terrorism in the wake of the 11 September attacks.

43. Many regional organizations have adopted conventions that deal explicitly with the issue of terrorism, thus complementing on a regional level the 12 international conventions on terrorism. Most of them establish common extradition procedures, state the aim of cooperation and call for the exchange of information. The European Union has taken a leading role in the field of police and judicial cooperation, not least because of its high degree of integration. Measures include: a common arrest warrant; a common list of terrorist organizations; routine exchange of information between member States and the European Police Office (Europol); the establishment of Eurojust (a coordination body composed of magistrates, prosecutors and police officers); joint investigative teams of police and magistrates across national boundaries; and an effort to establish a common definition of terrorist activities for criminal justice purposes. On a more global scale, Interpol does important work, on which regional organizations could build. With 179 member States, Interpol collects, stores, analyses and disseminates intelligence about suspected individuals and groups and their activities.

44. Secretariats of some regional organizations have established specialized units, task forces or designated posts that focus on terrorism. Such steps establish clear delineations of responsibility, especially for facilitating inter-organizational cooperation, and provide clear points of contact.

45. Certain organizations have taken action to curb the financing of terrorism. The Financial Action Task Force on Money-laundering, an intergovernmental organization created by the Group of Seven industrialized countries but now comprising 28 member States, plays a leading role in setting standards and effecting the necessary changes in national legislation on terrorist financing. On 31 October 2001, the Task Force issued eight special recommendations on terrorist laundering which commit member States to a wide range of legislative and regulatory action. The United Nations has been involved in this area through the activities undertaken within the framework of the Global Programme against Money-laundering, implemented by the Office for Drug Control and Crime Prevention which works in close coordination with the Task Force.

46. Various multilateral groups provide technical assistance to States to help them to develop or enhance a variety of legal, financial and other actions to counter terrorism. Finally, many organizations have put enhanced emphasis on the importance of interregional political and religious dialogue. The European Union and the Organization of the Islamic Conference have launched a cross-cultural dialogue at the level of foreign ministers.

47. The potential role of the United Nations in working with regional multilateral efforts fits within the Organization's roles of norm setting, coordination, cooperation and capacity-building. The norm-setting role has been described elsewhere in the present report. In supporting coordination and cooperation, the United Nations should be guided by the following principles: First, the current ad hoc interaction between the United Nations and regional organizations should be made more systematic. Second, coordination mechanisms already in place should be used to avoid duplication of effort and waste of resources. Third, where possible, the United Nations should help regional organizations involved in counter-terrorism to develop a division of labour based on comparative advantage. Fourth, a better flow of information among regional organizations and the United Nations should be established.

B. Coordination and coherence in the United Nations system

48. Since the terrorist attacks of 11 September, virtually all component parts of the United Nations system have taken steps to incorporate activities to counter terrorism within their respective areas of work. Many of these entities have enhanced their mandates to develop counter-terrorism measures and to provide a constitutional basis for action.

49. The resulting overlaps and duplications in the efforts of United Nations agencies, funds and programmes are natural responses to an emergency and in most circumstances they provide useful opportunities for learning, as variations in programmes allow for the identification of best practice. Much more serious, however, are significant gaps in the overall repertoire of responses, and gaps between the individual mandates of organizations and the resources available to meet them.

50. There is an enormous gap between mandates and resources. The Terrorism Prevention Branch of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention has two Professional posts and the Centre itself, whose technical assistance and capacity-building tasks were expanded to include terrorism, has 34.

51. The Policy Working Group believes that there is a need for a senior-level group within the United Nations system to meet periodically to assess the system's activities on terrorism, and recommend steps to ensure its effectiveness and coherence. The Department of Political Affairs, as the focal point of the United Nations system, on terrorism, could monitor the issue on a regular basis from a political perspective, ensure that the system is represented at international meetings as appropriate, and act as convenor of the proposed senior-level group which, in order to make maximum use of existing structures, should be the Executive Committee on Peace and Security.

V. Recommendations

52. The recommendations below are grouped in accordance with the main tasks identified above. In each category, the recommendations have been presented in descending order of priority.

Dissuasion

International legal instruments

Recommendation 1

The importance of signing, ratifying and effectively implementing the 12 United Nations counter-terrorism conventions and, in particular, the International Convention for the Suppression of the Financing of Terrorism[e] of 1999, should be stressed to Member States. Both the Secretary-General and senior officials can convey this message in bilateral meetings and other forums. The basic premise of this message should be that counter-terrorism must be firmly grounded in international law.

Recommendation 2

The periodic review of the status of ratification and the action taken by States to implement the existing treaty regime on anti-terrorism should continue to be carried out every year by the Office of Legal Affairs, and, if requested by the General Assembly, analytical reviews of that regime should also be carried out.

Recommendation 3

In order to supplement anti-terrorist actions, an appeal should be made for the expeditious signature, ratification and entry into force of the United Nations Convention against Transnational Organized Crime,[a] and its three protocols.[f]

Human rights

Recommendation 4

All relevant parts of the United Nations system should emphasize that key human rights must always be protected and may never be derogated from. The independence of the judiciary and the existence of legal remedies are essential elements for the protection of fundamental human rights in all situations involving counter-terrorism measures.

Recommendation 5

The Department of Public Information should be requested, in consultation with the Office of the United Nations High Commissioner for Human Rights, to publish a digest of the core jurisprudence of international and regional human rights bodies on the protection of human rights in the struggle against terrorism. Governments and human rights organizations could find such a compilation of direct use in the development of counter-terrorism policies.

Recommendation 6

The United Nations High Commissioner for Human Rights should convene a consultation of international, regional and subregional organizations and non-governmental organizations on the protection of human rights in the struggle against terrorism. Smaller, regional gatherings should also be considered. The Office of the High Commissioner should also make maximum use of its field presences and its regional experts, as well as the findings of the human rights treaty bodies and special rapporteurs.

Non-legal norm setting

Recommendation 7

The United Nations system, under the leadership of the Secretary-General, should deliver a consistent, clear, principled message when addressing the issue of terrorism, as follows:

(a) The targeting of unarmed civilians is wrong in all circumstances;

(b) Governments must ensure that there are avenues to enable citizens to express concerns and grievances;

(c) Military force should be used only in strict adherence with the principles enshrined in the Charter of the United Nations. Such use of force must be exercised in accordance with the international laws of war. The targeting of civilians and the disproportionate use of force beyond legitimate military objectives violate international humanitarian law;

(d) Security cannot be achieved by sacrificing human rights.

Recommendation 8

The Department of Public Information should initiate a review of how the United Nations can reach local populations that support terrorist aims, in a form that is designed to be "heard" by those communities. Country teams should be used to the greatest extent

possible to determine the best means of conveying messages to target audiences.

Recommendation 9

Review and enhance the outreach of the United Nations information centres to civil society, including the growing number of institutes and think-tanks in Arabic-speaking countries.

Recommendation 10

The activities of the United Nations related to the fight against terrorism should be promoted through, inter alia:

(a) Public information regarding the work of the Counter-Terrorism Committee, including the dissemination of positive examples of its work such as the assistance provided by the Committee and donors, and advances in regional cooperation;

(b) Dissemination of the work of United Nations agencies on the broad range of problems that relate to terrorism, including giving greater prominence to the work undertaken by the United Nations Educational, Scientific and Cultural Organization and other organizations of the United Nations system in respect of educational initiatives, such as curricula reform, that aim to increase understanding, encourage tolerance and respect for human dignity, while reducing mutual mistrust between communities in conflict. Elements of the United Nations system which address the issue of education should meet to determine how best to mount a coherent worldwide programme to assist countries in which the educational systems need support or that are under the control of groups advocating terror;

(c) Promotion of the role of international law in combating terrorism.

Recommendation 11

Continue emphasizing the importance to the fight against terrorism of existing United Nations work in the areas of human rights, democratic capacity-building, and social and economic justice.

Recommendation 12

Ensure better internal communication within the United Nations system, so as to allow all departments, agencies and programmes to be well informed of the activities under way in this field of activity.

Denial

Counter-Terrorism Committee

Recommendation 13

It should be ensured that expertise developed in the various United Nations system offices is made available to the Counter-Terrorism Committee. The Committee should be consulted about ways to enhance and make more sustainable the available Secretariat support for its work. Consideration should be given to convening a meeting of relevant United Nations actors and the Counter-Terrorism Committee in order to promote greater dialogue with the United Nations system. The symposium on the theme "Combating international terrorism: the contribution of the United Nations", held at Vienna on 3 and 4 June 2002, has provided a first phase for such a process.

Recommendation 14

To assist Member States and regional bodies in the implementation of Security Council resolution 1373 (2001), the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention could develop model legislation and provide advice to ensure that existing laws designed to fight domestic terrorism are amended in order to ensure their effectiveness against terrorism. Since the Centre is currently considering how best to organize itself to carry out these tasks, the Group does not have a specific recommendation on how this should be done, other than to note that additional resources may be required.

Recommendation 15

States should be encouraged to view the implementation of Council resolution 1373 (2001) and, by extension, the mechanism of targeted sanctions, as an instrument of democratic governance and statecraft that would help States more effectively to control their borders, regulate trade and control the activities of illicit traffickers, terrorists, organized crime and other non-State actors.

Recommendation 16

Together with the United Nations High Commissioner for Human Rights, a dialogue should be maintained with the Counter-Terrorism Committee on the importance of ensuring respect for human rights during the implementation of legislation, policies and practices to combat terrorism.

Recommendation 17

A network involving the United Nations system and the Bretton Woods institutions should be created to help Member States (in particular those needing greater assistance) to implement the recommendations of the Counter-Terrorism Committee.

Disarmament

Recommendation 18

Consideration should be given to the establishment of a mechanism under the Department for Disarmament Affairs that would produce a biennial public report on the potential use of weapons of mass destruction in terrorist acts. This mechanism would make use of existing United Nations resources and specialized databases, as well as information received from Member States, and could serve as a barometer of terrorist danger. Furthermore, this mechanism could be available to assist the Committee, either directly, by providing analysis and advice, or indirectly, by recommending appropriate cooperation between the Security Council (or the Committee) and the relevant operational agencies, such as the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons. The aforementioned report could be linked to the periodic review of legislation referred to in recommendation 2 above and, if deemed appropriate, submitted to the General Assembly so as to draw the attention of the membership to this important issue.

Recommendation 19

The development of the technical capabilities of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the World Health Organization to provide assistance to States in the event of the threat or use of weapons of mass destruction, other weapons and technologies should be encouraged.

Recommendation 20

Arrangements through which specialized agencies or related organizations can provide assistance and advice to States on how to develop and maintain adequate civil defence capability against the use of weapons of mass destruction, other weapons or technologies should be facilitated.

Recommendation 21

Relevant United Nations offices should be tasked with producing proposals to reinforce ethical norms, and the creation of codes of conduct for scientists, through international and national scientific societies and institutions that teach sciences or engineering skills related to weapons technologies, should be encouraged. Such codes of conduct would aim to prevent the involvement of defence scientists or technical experts in terrorist activities and restrict public access to knowledge and expertise on the development, production, stockpiling and use of weapons of mass destruction or related technologies.

Preventive measures

Recommendation 22

The importance of effective post-conflict peace-building should be emphasized, not only to avert the resurgence of violent conflict, but also to prevent the development of situations of lawlessness in which terrorist groups may thrive. The United Nations Development Programme and the Department of Political Affairs, and together with the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention, could set up a database of best practice in these fields, which could be developed and disseminated in order to help Member States in their fight against terrorism.

Recommendation 23

Measures should be taken to ensure that the mandates of peacekeeping operations are sensitive to terrorism-related issues, providing, for instance, that civilian police officers received appropriate training on measures to identify and counter terrorist groups.

Recommendation 24

The Office for Drug Control and Crime Prevention and the Department for Disarmament

Affairs should study the links between terrorism and organized crime, including drug trafficking, money-laundering, illicit trafficking of arms and corruption, which provide an environment that enables terrorist operations to expand.

Cooperation

Non-United Nations multilateral initiatives

Recommendation 25

Terrorism should be on the agenda for the next high-level meeting of the Secretary-General with regional organizations, scheduled to be held in 2003.

Recommendation 26

The above-mentioned meeting could develop an international action plan in which the United Nations would:

(a) Encourage closer cooperation among regional organizations and promote the establishment of an informal network of contacts;

(b) Call upon international financial institutions and other donors to increase the resources and technical assistance they provide to developing countries to combat the financing of terrorism;

(c) Cooperate with regional organizations in identifying best practice in the field of counter-terrorism and promote its adoption.

Recommendation 27

The Department of Political Affairs, as the focal point of the United Nations system on terrorism, should maintain contact with regional and international organizations in order to ensure that the United Nations is consistently represented at an appropriate level at international meetings on the subject.

Recommendation 28

Action should be taken to ensure that existing meetings for interaction with regional organizations include cooperation in the fight against terrorism as a priority issue in their agendas.

Recommendation 29

Measures should be taken to assign a clearer responsibility and to allocate the needed capacity for more effective liaison with Interpol and other police-related activities, in order to ensure that information flows through the United Nations system.

Coordination and coherence within the United Nations system

Recommendation 30

In order to clarify responsibilities, the Department of Political Affairs should be identified as the focal point of the United Nations system for political and strategic issues related to counter terrorism, while the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention should take the lead in assisting Member States in implementing the relevant conventions and resolutions. The Office of Legal Affairs should continue to assist Member States in the elaboration of conventions against terrorism.

Recommendation 31

Improve coordination to avoid overlaps and gaps in counter-terrorism activities should be improved by:

(a) Making counter-terrorism a regular (annual) item on the agendas of the High-level Committee on Programmes and of the United Nations System Chief Executives Board for Coordination with the aim of enhancing coordination among agencies, funds and programmes;

(b) Tasking ECPS, chaired by the Department of Political Affairs as the focal point of the United Nations system on terrorism, to meet on the subject every two months in order to achieve greater coordination in the action taken by the United Nations to counter terrorism.

Notes

[a] General Assembly resolution 55/25, annex I.

[b] General Assembly resolution 2200 A (XXI), annex.

[c] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV.

[d] General Assembly resolution 55/255, annex.

[e] General Assembly resolution 54/109, annex.

[f] General Assembly resolution 55/25, annexes II and III, and resolution 55/255, annex.

Appendix

These are the 19 global or regional treaties directly pertaining to the subject of international terrorism:

1. International Civil Aviation Organization, Convention on Offences and Certain Other Acts Committed on Board Aircraft. Signed at Tokyo on 14 September 1963. Entered into force on 4 December 1969.

2. _____, Convention for the Suppression of Unlawful Seizure of Aircraft. Signed at The Hague on 16 December 1970. Entered into force on 14 October 1971.

3. _____, Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Signed at Montreal, Canada, on 23 September 1971. Entered into force on 26 January 1973.

4. United Nations, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Adopted by the General Assembly in resolution 3166 (XXVIII) of 14 December 1973. Entered into force on 20 February 1977 (United Nations, *Treaty Series*, vol. 1035, p. 167).

5. _____, International Convention against the Taking of Hostages. Adopted by the General Assembly in resolution 34/146 of 17 December 1979. Entered into force on 3 June 1983 (United Nations, *Treaty Series*, vol. 1316, p. 205).

6. International Atomic Energy Agency, Convention on the Physical Protection of Nuclear Material. Signed at Vienna and in New York on 3 March 1980. Adopted at Vienna on 26 October 1979. Entered into force on 8 February 1987.

7. International Civil Aviation Organization, Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971. Signed at Montreal, Canada, on 24 February 1988. Entered into force on 6 August 1989.

8. International Maritime Organization, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Adopted in Rome on 10 March 1988. Entered into force on 1 March 1992.

9. _____, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Adopted in Rome on 10 March 1988. Entered into force on 1 March 1992.

10. International Civil Aviation Organization, Convention on the Marking of Plastic Explosives for the Purpose of Detection. Done at Montreal, Canada, on 1 March 1991. Entered into force on 21 June 1998.

11. United Nations, International Convention for the Suppression of Terrorist Bombings. Adopted by the General Assembly in resolution 52/164 of 15 December 1997. Entered into force on 23 May 2001.

12. _____, International Convention on the Suppression of Financing of Terrorism. Adopted by the General Assembly in resolution 54/109 of 9 December 1999. Entered into force on 10 April 2002.

13. League of Arab States, Arab Convention on the Suppression of Terrorism. Signed at Cairo on 22 April 1998. Entered into force on 7 May 1999.

14. Organization of the Islamic Conference, Convention on Combating International Terrorism. Adopted at Ouagadougou on 1 July 1999. Not yet in force.

15. Council of Europe, European Convention on the Suppression of Terrorism. Opened for signature at Strasbourg, France, on 27 January 1977. Entered into force on 4 August 1978.

16. Organization of American States, Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance. Signed at Washington, D.C., on 2 February 1971. Entered into force on 16 October 1973.

17. African Union (formerly Organization of African Unity), Convention on the Prevention and Combating of Terrorism. Adopted at Algiers on 14 July 1999. Not yet in force.

18. South Asian Association for Regional Cooperation, Regional Convention on Suppression of Terrorism. Signed at Kathmandu on 4 November 1987. Entered into force on 22 August 1988.

19. Commonwealth of Independent States, Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism. Adopted at Minsk on 4 June 1999. Entered into force in accordance with its article 22.